

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN**

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**ANDREW KIM,**

Plaintiff,

Case No. 1:23-cv-11583-TGB-PTM

v.

Hon. Terrence G. Berg

**CENTRAL MICHIGAN UNIVERSITY,**

Defendant.

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**DEFENDANT'S MOTION TO TRANSFER CASE TO THE  
NORTHERN DIVISION OF THE EASTERN DISTRICT OF MICHIGAN**

NOW COMES, Central Michigan University Board of Trustees, improperly identified as "Central Michigan University" in the caption of the Complaint, and for its Motion to Transfer Case to the Northern Division pursuant to E.D. Mich. L.R. 83.10 states as follows:

1. This case was improperly assigned to the Southern Division. Pursuant to the Local Rules for the Eastern District of Michigan, the proper place of holding court is Bay City, Michigan (*i.e.*, the Northern Division).

2. In relevant part, E.D. Mich., L.R. 83.10(b) provides that a civil case shall be assigned by the Clerk to a place of holding court by reference to the counties listed in subsection (a) in a particular order of priority. Neither E.D. Mich., L.R. 83.10(b)(1) nor (b)(2) apply to this case. Accordingly, the order of

priority directs that the place of holding court is established by “[t]he county in which a plaintiff resides” pursuant to L.R. 83.10(b)(3).

3. In the first paragraph of the Complaint, Plaintiff alleges that he is “a resident of the City of Mount Pleasant, Isabella County, Michigan.” (Doc. 1, PageID.1, ¶ 1). Isabella County is one of the counties listed that designates Bay City, Michigan, as the place of holding court. *See* E.D. Mich., L.R. 83.10(a).

4. A case improperly assigned to a place of holding court shall be transferred to the proper location by order of the Court. E.D. Mich., L.R. 83.10(c).

5. Defendant’s counsel sought concurrence in this motion on August 16, 2023, in accordance with E.D. Mich L.R. 7.1(a)(1), by sending an email to Plaintiff’s counsel in which Defendant reasonably explained the nature of this motion and its legal basis. The email requested concurrence and invited Plaintiff’s counsel to participate in further discussions on the matter. Counsel then spoke by telephone; however, concurrence in the relief sought was not obtained.

WHEREFORE, Defendant Central Michigan University Board of Trustees respectfully requests that this Honorable Court GRANT this Motion to Transfer and enter an Order that transfers this action to the Northern Division of the United States District Court for the Eastern District of Michigan.

*Respectfully submitted,*

**FRASER TREBILCOCK DAVIS & DUNLAP, P.C.**  
Attorneys for Defendant

Dated: August 18, 2023

By: /s/Ryan K. Kauffman  
Ryan K. Kauffman

**CERTIFICATE OF SERVICE**

I hereby certify that on this date, I caused the foregoing paper to be electronically filed with the Clerk of the Court using the ECF/PACER system which will send notification of such filing to counsel of record.

/s/Ryan K. Kauffman  
Ryan K. Kauffman (P65357)

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**DEFENDANT'S BRIEF IN SUPPORT  
OF ITS MOTION TO TRANSFER**

In support of its Motion to Transfer, Defendant Central Michigan University Board of Trustees, relies on E.D. Mich. L.R. 83.10.

*Respectfully submitted,*

**FRASER TREBILCOCK DAVIS & DUNLAP, P.C.**  
Attorneys for Defendant

Dated: August 18, 2023

By: /s/Ryan K. Kauffman  
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